

PREET BHARARA  
United States Attorney  
Southern District of New York  
Attorney for the United States of America  
By: REBECCA C. MARTIN  
Assistant United States Attorney  
86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007  
Tel.: (212) 637-2714  
Fax: (212) 637-2686  
Email: rebecca.martin@usdoj.gov

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MUENCH PHOTOGRAPHY, INC., :

Plaintiffs, : 09 Civ. 2669 (LAP)

: **ECF CASE**

- v. -

:  
HOUGHTON MIFFLIN HARCOURT  
PUBLISHING COMPANY AND RR DONNELLY :  
AND SONS COMPANY, :

Defendants. :

-----X

**DECLARATION OF NANETTE PETRUZZELLI**

NANETTE PETRUZZELLI, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am the Associate Register for Registration and Recordation of the United States Copyright Office (the "Copyright Office"). I submit this declaration in support of the Government's Statement of Interest submitted in the above-captioned matter.

2. Since 1980, the Copyright Office has permitted, as matter of practice, copyright registrations of collective works to cover underlying contributions where the rights in those contributions belong to the claimant even though the individual contributors are not named in the

registration form.

3. A true and correct copy of selected portions of the Compendium of Office Practices II (“Compendium II”) is attached hereto as Exhibit A. Compendium II was drafted by the Copyright Office for general guidance of its staff in making registrations and recording documents and was originally published by the Copyright Office in 1984 and has undergone periodic revisions since that time. Section 615.06 of Compendium II, concerning registration practices for collective works, was among certain revisions to Compendium II and published in 1988. Section 615.06 reflects the practice of the Copyright Office since at least 1980

4. From time to time, the Copyright Office issues circulars to provide guidance concerning, inter alia, registration practices. In 1983, the Copyright Office issued the original version of Circular 62 on Copyright Registration for Single Serial Issues. A true and correct copy of Circular 62, as issued in 1983, is attached hereto as Exhibit B.

5. The 1983 version of the circular states, inter alia, that “When a serial issue includes independently authored contributions in which all rights have been transferred in writing to the claimant of the entire serial issue, the names of the contributors may be given in Space 2 of Form SE, but this information is not required. Whether those contributors are listed or not, the copyright claim in the serial issue as a whole would extend to those contributions.” See Exh. B at 6. This language has appeared in each of the succeeding iterations of Circular 62 and been substantively unchanged.

6. True and correct copies of the current version of Circular 62 and Circular 62a are attached hereto as Exhibit C and D, respectively.

7. The Copyright Office does not keep separate statistics on the number of collective works registered. However, the Office does keep statistics on the number of serials that have been

registered, and the Office's records indicate that 2,501,435 serials were registered from Fiscal Year 1981 through 2009. Serials are a subset of collective works.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Washington, DC  
January 19, 2010

  
NANETTE PETRUZZELLI